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LET THEM GO

EAST TIMORESE REFUGEES IN WEST TIMOR

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UN Security Council Resolution 1264 (1999), adopted on 15 September, reaffirmed 'the right of refugees and displaced persons to return in safety and security to their homes' and stressed 'that it is the responsibility of the Indonesian authorities to take immediate and effective measures to ensure the safe return of refugees to East Timor'.

Introduction

Nearly three months have passed since the announcement of the UN ballot results on 4 September which precipitated the displacement of over a quarter of a million East Timorese to Indonesia and the destruction of their homeland. The good news is that according to UN reports of 14 November, 63,000 have returned home, mainly from West Timor. The bad news is that hopes that there would be a mass movement back to East Timor similar to Kosovo have not been realised. At least 200,000 refugees remain trapped in West Timor where, as the following report shows, they are not only forcibly restrained from returning home but risk serious human rights violations. The change of Government in Jakarta has made little impact so far.

As East Timor is now secure and Indonesia has undertaken to fully support UN repatriation efforts, it must be asked who or what is causing the hold up and denying the East Timorese their right of return in defiance of the UN Security Council, and what action should be taken to protect their human rights and to secure their return?

The following report concludes that

- *Indonesian military backed militias are the principal obstacle to a rapid repatriation*
- *that the refugees in West Timor now constitute the highest risk group of all East Timorese;*
- *that delays in the return of refugees will hamper and limit evidence taking for the UN East Timor human rights inquiry, and*
- *that continued militia activity in West Timor constitutes the single biggest threat to East Timor's future development and relationship with Indonesia.*

For these reasons, the report recommends – inter alia - that Australia should seek an urgent meeting with Indonesia at Foreign Ministerial level with a view to securing a fresh undertaking by the new Indonesian government

- *to guarantee humanitarian agencies free and full access to all refugees in all locations in West Timor;*
- *to give the UNHCR a free hand to organise the repatriation of the refugees in an orderly and coordinated manner,*
- *to immediately disarm and disband the militias and arrest those responsible for breaking the law,*
- *to allow human rights protection agencies to be immediately established in West Timor,*

- *to open the West Timor border to all refugees who wish to go home; and*
- *to sign a treaty of cooperation and friendly relations with East Timor.*

CONTENTS

1. Refugee numbers
2. Basic needs
3. Militia activity
4. Human rights
5. Refugee repatriation
6. Testimony and witness protection
7. Recommendations

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1. REFUGEE NUMBERS

The exact number of refugees in West Timor is not known and there are big discrepancies between official and unofficial estimates. Indonesia's Department of Social Affairs (Depsos) put the total number at 270,000, while local aid workers and church agencies have suggested the number may be as high as 400,000, living in an estimated 135 camps or sites. This included some 44,000 (almost the entire population) from the enclave of Oecusse (Ambeno). Many refugees sought shelter in churches or private homes and have not been counted by Depsos while, for their part, agencies continue to have difficulties accessing refugees in areas away from main centres where militia activity is higher. Once staff commence working more actively in the field, they are discovering there are more refugees than originally thought. The statistical picture has been further confused by the fact that some refugees had their identity cards (KTP) confiscated and replaced by new KTPs identifying the holders as West Timorese.

Depsos issued registration cards which offered four options to East Timorese refugees: (1) return home, (2) remain in West Timor, (3) become transmigrants in NTT which includes West Timor, and (4) transmigrate elsewhere in Indonesia. Most refugees chose option 2, fearing the consequences of revealing their wish to return home. It is reported that several thousands joined the transmigration program, whether voluntarily or not is unclear, and were relocated to other islands including as far away as Irian Jaya.

Conclusion
There is a clear need for an independent, comprehensive, simultaneous registration in West Timor and for research on the number and destination of transmigrants and whether these people wish to return to East Timor.

2. BASIC NEEDS

2.1 Food
Food supplies are adequate with agencies and the Government ensuring sufficient stockpiles for at least one month. What is not clear, however, is whether these supplies are being evenly distributed and what the food security situation is in camps not accessible to international agencies.

2.2 Health
Health data is incomplete, but there appears to be a high mortality rate of children due to diarrhoea. According to one report, the death toll is as high as 100 children a day. Pregnant women and the elderly are also reported to be at high risk.

2.3 Water and sanitation
Data is incomplete, but many camps do not have adequate sanitation facilities and some have little or no clean water. Existing water and sanitation problems will increase as the wet season develops, especially in southern Belu where flooding is common.

2.4 Shelter
Data is incomplete, but many in the border region are without adequate shelter and are sleeping under trees without blankets or tarpaulins. One report estimates 30,000 are in this situation. The onset of the wet season will severely exacerbate the situation adding to sanitation problems and exposing refugees to pneumonia.

Conclusion
Humanitarian agencies, including local NGOs, must be permitted free and full access to all refugees in all locations. This is the only way to establish and address the full range of basic needs.

3. MILITIA ACTIVITY

3.1 Numbers

It is estimated that there are around 15,000 active militia members currently in West Timor (UNHCR) operating in 21 groups (Indonesian Human Rights Commission, KomnasHam). The Governor of West Timor, Piet Tallo, claims the militia problem has been corrected and that he does not want West Timor to serve as a militia base, but this flies in the face of overwhelming evidence to the contrary. Refugees report that from early September, militia addressed all young men in the camps offering them the choice to join to continue the war in East Timor or to die. Reports of militia kidnappings and killings continue. The regent (bupati) of Belu is reliably reported to have protested recently that the military/militias had recruited some 150 young men from the Belu district to join militia groups who were training them in Lamaknan (near the border with Maliana). There have been numerous reports of militia trainings along the border.

3.2 Deployment
The militias are now less visible and active in the major centres of Kupang and Atambua. This is due to the increased international presence and, in the case of Atambua, the visible presence of Kostrad Battalion 432. However, there are still strong concentrations of militias in the districts of Atapupu, Silawan, Lamaknen and South Belu and that in these areas militia control of refugee camps is still very strong. Militia groups currently deployed in West Timor include *Aitarak* and *Darah Merah Putih*, *Hali Lintar, Besi Merah Putih, Darah Integrasi, Sakunar, Laksaur, Mahidi, Ablai.* Militia leaders including Eurico Guterres, Herminho Da Costa Da Silva, Abilio Soares, Guillermo Dos Santos and Joao Tavares are based in Kupang and Atambua and their whereabouts are common knowledge. Some leaders remain in camps, such as Joao Magno De Araujo, who controls Noelbaki. The concentration of militia groups is highest in the border areas.

3.3 Indonesian military (TNI) collaboration
The Indonesian Human Rights Commission (KomnasHam) concluded after its recent visit that the failure of the Indonesian military to act against the militia 'shows a significant relationship' exists between the two (APF, 1 November). There is also ample positive evidence indicating on-going TNI support for militia groups and involvement in recruitment, training and deployment of militia. Various eyewitness reports confirm that TNI personnel have supplied food, accommodation, vehicles, communications equipment and weapons to militia groups. Instances of uniformed TNI officers conducting joint patrols with uniformed militia members, often using vehicles stolen from UNAMET and other East Timorese agencies, have been frequently reported. Instances of uniformed TNI officers (battalions 744 and 745) receiving instructions from, and saluting, purported militia members, have also been reported. New TNI posts have been installed along the border in recent months, and militia groups receive training at these posts every morning. It is

widely believed by both East and West Timorese that around half of militia members are actually Kopassus (Special Forces). On the other hand, there is some evidence of TNI cooperation with UNHCR and Interfet and assistance with the return passage and protection of refugees.

3.4 Internecine conflict

Inequality between militia members has led to disenchantment and anger among some militia groups. Unconfirmed reports suggest that East Timorese militia have not been paid since August 30, and some are possibly being held by force. Another source reports that some militia groups have begun to fight with other groups and that *Besi Merah Putih* are being hunted by *Hali Lintar*. Impoverishment and conflict can only add to militia feelings of desperation, which can only be bad news for refugees.

3.5 West Timorese opposition

Most West Timorese are sympathetic to the refugees and prepared to host them at considerable cost but are opposed to militia arrogance and violence. Subsequent to a series of thefts, rapes and murders of locals, some West Timorese have begun to actively oppose militia activities in their areas. Locals in Atambua shot dead a *Laksaur* militia member on 21/9, and locals in the Betun area have formed neighbourhood self-defence teams. The potential for unrest in West Timor based on conflict between unhappy locals and the militias remains a real possibility.

Conclusion

Militia/military motives for driving vast numbers of people out of East Timor and holding them in West Timor are not clear. Apart from base motives of vengeful destruction, two considerations would seem to be paramount: (1) the large numbers of people leaving East Timor and staying away 'proves' there is significant dissent with the ballot outcome for independence and serves to legitimise the militia position, and (2) the militias plan, with Indonesian military support, to resist independence and continue the war from bases inside Indonesian West Timor.

The military/militias are clearly acting in breach of UN Security Council Resolution 1264 (1999), international law and Habibie Government commitments to the UN and should not be permitted to continue their activities. The military should be instructed to disarm and disband the militias and those military and militias responsible for human rights violations should be arrested and dealt with according to the law. Further, Indonesia should be placed under maximum pressure to stop the establishment of Contra-style guerilla bases along its border with East Timor. Even if Indonesia cannot bring itself to embrace an independent East Timor at this point, Jakarta's primary objective must be to develop at least good functional relations with its former province, not to pick at its running sore. War with East Timor, whether cold or hot, is not in East Timor or Indonesia's interests. Jakarta should be urged to sign a treaty of cooperation and friendly relations with East Timor.

4. HUMAN RIGHTS

The Indonesian Commission on Human Rights (KomnasHam) concluded after its recent visit that the militias in West Timor had committed 'systematic and organised human rights violations'. (AFP, 1 November) Albert Hasibuan, head of the Inquiry team, stated that 'forced disappearances, arbitrary detention and violence against women have occurred there (and that) the freedom with which they can operate has created a deep and widespread fear among the refugees'.

Hasibuan called on the Indonesian Government to increase 'security guarantees' for the refugees to return to East Timor and for Jakarta to 'disband' and put 'an immediate stop' to the militias. Local government officials are concerned that violations will increase over the next two months as militias begin to run low on resources and frustration deepens over the failure to halt the repatriation process.

4.1 Harassment and intimidation

Militia members are present in all refugee camps, and continue to monitor the movement and interactions of refugees. Threats and intimidation of East Timorese refugees are constant and intended to stop the refugees from leaving. A recent report (7 November) speaks of militia intimidation of departing refugees 'all the way up to the departure quay' in Atapupu, even though the refugees were escorted by a squad from Kostrad. Militia have also threatened West Timorese church leaders and attacked UNHCR staff and aid workers in a bid to stop the repatriation process. The UNHCR reported on 10 November that UN staff had been subject to 18 serious security incidents in the previous 10 days, including being pelted with rocks and threatened with machetes and spears. Indonesian TNI and police had not acted to deter this intimidation. Though agencies agree that overall security has improved in West Timor, especially for non-Asian expatriate staff, UNHCR is worried that militia attempts to stop the return of refugees will escalate as more return and that UNHCR may have to withdraw staff from the border area. Militia sealed a key border crossing point to the enclave of Oecusse on 12 November. 8000 refugees immediately returned when the point was reopened on 16 November following talks between the UN, TNI and militias.

4.2 Disinformation

Many East Timorese want to return home but have been led to believe it is unsafe. In addition to outright intimidation, militias are also spreading disinformation to deter the refugees. Examples include claims that

- Interfet will locate men and women in separate camps in East Timor and violate the women;
- war continues in East Timor making it unsafe to return;
- Interfet helicopters are flying near the border and firing on refugees;
- militias will follow refugees back to East Timor and kill them;
- security, shelter and food are inadequate in East Timor;
- CNRT will exact vengeance against pro-integrationists and officials.

Such claims must be countered or where necessary put in context. A radio program launched by the BBC, ICRC and British Red Cross in October to provide news from family in East Timor will help. Further efforts are needed, however, to ensure full access to refugees by independent agencies who can reassure refugees, backed up by a widely disseminated guarantee of safety from the Indonesian government. As for pro-integration supporters, including East Timorese who have served Indonesia, CNRT has clearly and consistently stated that all East Timorese will be welcome to return home and, in cases where wrong has been done, the accused will be afforded maximum security protection until due process can be provided.

4.3 Kidnappings

From the first week of September, young men were kidnapped, apparently arbitrarily, from camps around Atambua and Kefamenanu. None were returned, and all refugees interviewed believe the young men were killed. In several cases, informants witnessed the murders by stabbing or shooting of groups of young men and believe that in some cases Kopassus were responsible. Refugees and locals universally report an overwhelming stench of death around camps in the border region, or around Atambua and Kefamenanu. Several informants witnessed killings of young men while en route to, or while attempting to leave West Timor. One witness saw 15 young men stabbed and thrown overboard from the passenger liner KP PELNI AWU, en route from Kupang to Denpasar, 13 September. The assailants wore civilian clothes and balaclavas, leading the witness to believe they were KOPASSUS personnel.

4.4 *Political hit lists*

In early September, joint TNI-militia operations were launched in Kupang, Kefamenanu and Atambua, referred to by locals to as 'sweeping' operations. Uniformed TNI and militia personnel systematically searched camps, ports, hotels, highways, churches and private homes in an attempt to eliminate key figures of the East Timorese resistance. Military Intelligence officers provided detailed lists of names of targeted individuals, and sometimes furnished photographs of intended victims. Dozens of targeted individuals were discovered during the month of September. Some were shot or stabbed immediately. On 6 September, the Kupang Post reported that four CNRT members had been identifed and shot at Noelbaki refugee camp, by *Aitarak* militia. On the

7 September, a fifty-year old man was beaten and tortured to death by *Darah Integrasi* militia members, in front of thousands of people in a refugee camp near Atambua. Others, such as three men kidnapped from Hotel Maya on September 9, were taken to an unknown location and are still missing. By the end of September, it is reported that 1028 refugees, mostly men, had disappeared from Noelbaki refugee camp.

In early November, the UN Special Rapporteur for summary executions, Ms Asma Jahangir, was refused permission by the Indonesian Government to visit West Timor.

4.5 *Kidnappings of young women*

From early October, reports were received of a new spate of kidnappings from refugee camps, this time targeting young women. Several informants, who had been held in camps in the Betun area south of Atambua, concurred in testifying that militia members had repeatedly entered refugee camps, between the hours of 11pm and 2am, and each night abducted several young women. From their combined testimony, it is estimated that as many as 1000 young women may have been abducted from the Betun area alone. None of these young women have been returned to their families, who believe that their daughters have been raped and murdered. On 4 October, it is reported that Laksaur militia tortured, bashed and shot two West Timorese men who had refused to assist the militia in abducting young women. One of the victims survived the attack, and is still in hospital recovering from his injuries. New reports are also circulating of Laksaur militias forcing young women into marriage and of forced prostitution.

In early November, the UN Special Rapporteur on violence against women, Ms Radhika Coomaraswamy, was refused permission by the Indonesian Government to visit West Timor to investigate reports of sexual abuse in refugee camps.

4.6 Children

Indonesia's National Commission for the Protection of Children reported late October following a visit to West Timor that at least 312 East Timorese babies had died in six West Timor refugee camps and that 11,892 children were ill or suffering malnutrition. The head of the investigating team, the respected Indonesian child rights advocate Mr Ariest Merdeka Sirait, also reported that at least 40 refugee children had been flown from Kupang to Denpasar, Bali, and Jakarta. Mr Sirait feared they had been abducted and faced exploitation in Indonesia's rapidly expanding sex industry. Other reports have been received alleging the removal of children from refugee camps and their sale through illegal adoption houses in Kupang. Informants had gone to such an establishment to illegally adopt a child, but discovered upon arrival that the children for sale were East Timorese 'orphans' brought from Atambua by truck. It is claimed that 200 children under 12 years of age arrived in Kupang on October 30, where they were distributed in groups of twenty, to ten locations, where they were washed and later sold. One child who escaped from an 'adoption' house reported that he had been forcibly removed from his parents, who were in fact still alive.

Conclusion

The militias have committed 'systematic and organised human rights violations', to use the language of the Indonesian Commission on Human Rights. While they continue to enjoy impunity and to remain in control of camps, human rights violations will continue. Human rights protection agencies should be immediately established in West Timor and the preliminary findings in this report should be the subject of full, independent investigation. The UN Inquiry into violations of human rights and international humanitarian law should be extended to allow for the inclusion of evidence from refugees in West Timor after they return home.

5. REFUGEE REPATRIATION

5.1 *UNHCR voluntary repatriation program*

As of 14 November, only 63,000 refugees have returned to East Timor, 20,000 of whom were 'spontaneous' returnees outside the UNHCR program. The UNHCR has faced enormous difficulties registering refugees for voluntary repatriation. Many refugees are afraid to publicly reveal their desire to return to East Timor, and those in hiding do not wish to make their presence known. Militia watch the UNHCR registration centres, so that once a family has registered for repatriation, often they do not feel safe to return to refugee camps. In Kupang this problem has been overcome to some extent with the opening of a UNHCR transit centre, where refugees remain under UNHCR protection from the moment of registration to the moment of embarkation. Those refugees sheltered by the sanctuary network of local community groups have now been put in contact with UNHCR protection officers, and are able to register away from the public centres.

In Atambua, however, militia hostility continues to hinder the voluntary repatriation program in ways described above. In summary, this involves preventing UNHCR access to the camps and seeking to prevent the movement of refugees through a mixture of intimidation, disinformation and control of camps.

As of 8 November, UNHCR believes that some 20,000 refugees ('spontaneous refugees') have made their own way back to East Timor. But this is a dangerous and difficult option as refugees have to bypass militias and ensure their own supplies of food and water. Reports indicate that spontaneous refugees have had their supplies of food, water and cooking untensils removed by militia. The lack of water en route recently resulted in the deaths of four children from dehydration. Spontaneous return also makes it difficult for receiving aid agencies to preposition food and medicine for the new arrivals. According to one report, some refugees have returned only to find their former villages in ruins and no aid available.

5.2 *Indonesia's attitude*

On 22 September, Indonesia gave the UN High Commissioner for Refugees, Mrs Sadako Ogata, an undertaking to allow the UNHCR to provide full 'security and access to all the people in need of assistance' in West Timor. On 14 October, Indonesia's Welfare Minister, H. Haryono Suyono, signed a formal agreement

- allowing all East Timorese to make a decision 'free from any form of intimidation or threat' on whether they want to return or remain,
- giving UNHCR a free hand to organise the repatriation of refugees who wish to return, and
- to establish an operational presence in any place now housing East Timorese.

Clearly these undertakings have not been honoured and at this point the change of Government has had no impact. However, there are signs the Wahid administration is preparing to act. Vice-President Megawati Sukarnoputri has advised she will head a high-level policy review of the issue and, with Mr Hamzah Haz (Coordinating Minister for People's Welfare and Poverty Eradication which serves as the focal point in the Indonesian government for refugees and emergencies) will soon lead a delegation to West Timor. In Washington, President Wahid assured President Clinton that he would act on the issue (The Age, 15 November).

Conclusion

The greatest single impediment to repatriation is the continuing militia intimidation and the impunity the militia enjoys. As the Australian Parliamentarian, Kevin Rudd, observed after his recent visit to West Timor: 'We could have a Rolls-Royce cross-border regime, perfect security in the east and squadrons of UNHCR officials to help them get there – but unless the militia let people out of the camps (or else are arrested themselves), all will be in vain' (The Age, 6 November 1999). Australia and the international community must make it clear to the new Wahid government that Indonesia should act on its undertakings and sign off on East Timor by completing the unfinished business in WestTimor. Indonesia's priority must be to neutralise the militias and those in the military supporting them.

6. TESTIMONY AND WITNESS PROTECTION

6.1 *Witnesses held hostage*

Those East Timorese who remained in East Timor during the rampages of September typically fled to the hills before the worst of the violence began in earnest. Many of the witnesses to most atrocities are still in West Timor, held hostage in militia patrolled camps. These people cannot give testimony until they are safe, thus the issues of evidence and protection are fundamentally linked. Their relatives, though safe in East Timor, may also be reluctant to reveal what they know while family members are still at risk. Any international human rights hearing must take this precarious situation into account. Indonesian security forces are certainly aware that they hold many eyewitnesses in refugee camps, and an enquiry which proceeds precipitously may in fact endanger those held hostage.

6.2 *Militia testimony*

Those members of militia, or of Indonesian security forces, who wish to return to East Timor are at especially high risk. As collaborators with the perpetrators of atrocities, they are the primary eyewitnesses to massacres, and also to the collaboration between TNI and militias. Their testimony will be crucial to any future hearings. Those who 'defect', and wish to return home, are in extreme danger until they can be repatriated. There is some evidence to suggest that East Timorese members of militia groups are also being held against their will at this stage.

7. SUMMARY OF RECOMMENDATIONS

7.1 That the UNHCR and humanitarian agencies be permitted to conduct a comprehensive, simultaneous registration of all refugees in West Timor.

7.2 That humanitarian agencies be guaranteed free and full access to all refugees in all locations throughout West Timor.

7.3 That the border with East Timor be opened at multiple agreed points and that the UNHCR be given a free hand to organise the repatriation of refugees in an orderly and coordinated manner.

7.4 That the new Indonesian Government be requested as a matter of urgency to disarm and disband the militias and to punish those in the military and the militias found responsible for human rights violations.

7.5 That the new Indonesian Government be encouraged to sign a treaty of cooperation and friendly relations with East Timor which will outlaw the establishment of Contra-style militia bases in West Timor.

7.6 That human rights protection agencies be immediately established in West Timor and that a full inquiry be conducted into the preliminary findings contained in this report.

7.7 That the UN Inquiry into violations of human rights and international humanitarian law in East Timor be extended to allow for evidence taking from refugees in West Timor after they return home.

Katharine Grimshaw served as a UNAMET observer in East Timor for the August ballot. On 4 September she evacuated by boat to Kupang in West Timor with several hundred refugees where she observed cooperation between the Indonesian military and anti-independence militia. She was in Kupang from 4-13 September and again from 7-29 October.

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